IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 10343 of 2004

Between:

1 Ashigolla Posharam S/o. Yellaiah, aged 25 years,
Agriculture, Jakora village, Varni Mandal, Nizamabad District.
2 Ashigolla Yellaiah S/o. Chinna Sayanna, aged 60 years,
Agriculture, Jakora village, Varni Mandal, Nizamabad District.
3 Vodde Sailu S/o. Late Pochaiah, aged 30 years,
Jakora village, Varni Mandal, Nizamabad District..... **PETITIONERS**

AND

1 The District Collector (Land Acquisition) ,

Nizamabad District at Nizamabad.
2 The Land Acquisition Officer cum Revenue

Divisional Officer, Bodhan, Nizamabad District.
3 The District Forest Officer, Nizamabad District.
4 The Forest Range Officer, Varni at Varni,

Nizamabad District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, order or Direction, declaring the action of the Respondents in depriving the lands of the petitioners admeasuring Ac.1.38 guntas in Survey. No. 115/AA , Ac. 2.34 guntas in Survey.No. 14/6, Ac. 1.37 guntas in Survey. No. 115/A; and Ac. 2.34 guntas in Survey. No. 114/AA situated at Kunipoor Shivar of Varni Mandal, Nizamabad District as otherwise than in due process of law as illegal, arbitrary and violative of Article14 & 300-A of the Constitution of India, by directing the respondents to forthwith initiate Proceedings under land Acquistion Act for acquiring the above lands of the petitioners and pay compensation to the petitioners or in the alternative restore back the said lands to the petitioners, as they stood as on the date of taking possession; Award costs .

Counsel for the Petitioners :MR.K.RAGHUVEER REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

The writ petition is filed seeking a direction to the respondents either to acquire the lands of the petitioners, which were forcibly taken by the third and fourth respondents under Land Acquisition Act or in the alternative restore the possession thereof.

The case of the petitioners is that they owned various extents of land in different survey numbers of Kunipoor Shivar, Varni Mandal in Nizamabad District and that for construction of a percolation tank in that area, the fourth respondent forcibly taken possession of their lands on the instructions of the third respondent, without acquiring the said lands under the provisions of the Land Acquisition Act and without paying any compensation. It is their grievance that though they made representations to the first and second respondents on 3.9.2003 informing that there is no necessary for construction of a percolation tank in that area, there is no response from them.

Heard the learned counsel for the petitioners. Though the learned Government Pleader for Land Acquisition took notice on behalf of the respondents on 26.3.2004, and the matter adjourned twice at his instance, he is unable to obtain any instructions in the matter. Since the representation dated 3-9-2003 made by the petitioners is pending before the 1st respondent, without going into the merits or otherwise of the matter, I deem it proper to dispose of the writ petition with the following directions

The 1st respondent is directed to consider and dispose of the representation dated 3.9.2003 made by the petitioners expeditiously, and if he comes to the conclusion that the construction of percolation tank in that area is necessary, he shall pass appropriate orders for acquisition of the land required under the provisions of the Land Acquisition Act, or otherwise, he shall restore possession of the lands to the petitioners.

With the above directions, the writ petition is disposed of. No costs.

N.V. RAMANA, J

Date : JULY 14, 2004.

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector (Land Acquisition) ,

Nizamabad District at Nizamabad.
2 The Land Acquisition Officer cum Revenue

Divisional Officer, Bodhan, Nizamabad District.
3 The District Forest Officer, Nizamabad District.
4 The Forest Range Officer, Varni at Varni,

Nizamabad District.

5 Two CCs to the Government Pleader for Land

Acquisition, High Court Buildings, Hyderabad (OUT)

6 Two CD copies.